

Regular Session, 2012

HOUSE BILL NO. 480

BY REPRESENTATIVE BARROW

DISTRICTS/CRIME PREVENT: Creates the Glen Oaks Crime Prevention and Improvement District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Glen Oaks
3 Crime Prevention and Improvement District within the parish; to provide relative to
4 the purpose, boundaries, governance, and powers and duties of the district; to
5 provide for the imposition of a parcel fee and for the use thereof; and to provide for
6 related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9097.13 is hereby enacted to read as follows:

12 §9097.13. Glen Oaks Crime Prevention and Improvement District

13 A. Creation. There is hereby created within the parish of East Baton Rouge,
14 as more specifically provided in Subsection B of this Section, a body politic and
15 corporate which shall be known as the Glen Oaks Crime Prevention and
16 Improvement District, referred to in this Section as the "district". The district shall
17 be a political subdivision of the state as defined in the Constitution of Louisiana.

18 B. Boundaries. The district shall include the area within the following
19 boundaries: beginning at the intersection of Airline Highway and Plank Road,
20 southeast along Airline Highway to its intersection with Greenwell Street, then east

1 along Greenwell Street to its intersection with Lanier Drive, then north along Lanier
2 Drive to its intersection with Maplewood Avenue, then east along Maplewood
3 Avenue to its intersection with Wright Drive, then north along Wright Drive to its
4 intersection with Oak Apple Avenue, then west along Oak Apple Avenue to its
5 intersection with Lanier Drive, then north along Lanier Drive to its intersection with
6 Mickens Road, then northwest along Mickens Road to its intersection with Hooper
7 Road, then west along Hooper Road to its intersection with Plank Road, then
8 southwest along Plank Road to the point of beginning. The district shall also include
9 all lots that front on Wright Drive, Maplewood Avenue, Richmar Avenue, and Oak
10 Apple Avenue, whether or not the lot lies within the boundaries otherwise described
11 in this Subsection.

12 C. Purpose. The purposes of the district shall be to aid in crime prevention
13 by providing security for district residents and to serve the needs of the residents of
14 the district by funding beautification and improvements for the overall betterment
15 of the district.

16 D. Governance. (1) The district shall be governed by a board of
17 commissioners, referred to in this Section as the "board", consisting of members as
18 follows:

19 (a) Two members shall be appointed by the state representative for House
20 District Number 29.

21 (b) Two members shall be appointed by the state senator for Senate District
22 Number 15.

23 (c) One member shall be appointed by the member or members of the
24 governing authority of the parish of East Baton Rouge who represent the district.

25 (2) All members of the board shall be residents and qualified voters within
26 the district.

27 (3) Members of the board shall serve four-year terms after initial terms as
28 follows: two members shall serve an initial term of one year; one member shall

1 serve two years; one member shall serve three years; and one member shall serve
2 four years, as determined by lot at the first meeting of the board.

3 (4) Vacancies resulting from the expiration of a term or any other reason
4 shall be filled for the remainder of the unexpired term in the manner of the original
5 appointment. Members are eligible for reappointment.

6 (5) The members of the board shall select from among themselves a
7 president and such other officers as they deem appropriate. The responsibilities of
8 the officers shall be as provided by the bylaws of the board.

9 (6) The members of the board shall serve without compensation and shall not
10 receive reimbursement for expenses.

11 E. Powers and duties. The district, acting through its board of
12 commissioners, shall have the following powers and duties:

13 (1) To sue and be sued.

14 (2) To adopt, use, and alter at will a corporate seal.

15 (3) To receive and expend funds collected pursuant to Subsection F of this
16 Section and in accordance with a budget adopted as provided by Subsection G of this
17 Section.

18 (4) To enter into contracts with individuals or entities, private or public, for
19 the provision of security patrols in the district.

20 (5) To purchase items and supplies which the board deems instrumental to
21 achieving the purpose of the district.

22 (6) To perform or have performed any other function or activity necessary
23 for the achievement of the purpose of the district.

24 F. Parcel fee. The governing authority of East Baton Rouge Parish may
25 impose and collect a parcel fee within the district subject to and in accordance with
26 the provisions of this Subsection:

27 (1) The amount of the fee shall be as requested by duly adopted resolution
28 of the board. The fee, however, shall not exceed one hundred dollars per parcel per

1 year for lots zoned for residential use and five hundred dollars per year for lots zoned
2 for commercial use.

3 (2)(a) The fee shall be imposed on each improved parcel located within the
4 district.

5 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
6 of ground, or an individual tract and does not mean a "condominium parcel" as
7 defined in R.S. 9:1121.103. Thus, with respect to condominiums, the fee collector
8 shall impose the parcel fee on each lot on which condominiums are situated and not
9 on individual condominium units.

10 (c) The owner of the parcel shall be responsible for payment of the fee.

11 (3)(a) The fee shall be imposed only after the question of its imposition has
12 been approved by a majority of the registered voters of the district voting at an
13 election held for that purpose in accordance with the Louisiana Election Code. At
14 least thirty days prior to any election held to approve imposition of a parcel fee, the
15 board shall mail notification of the upcoming election to each registered voter of the
16 district and to the owner of each parcel if the owner is not a registered voter of the
17 district. No other election shall be required except as provided by this Paragraph.

18 (b) The initial election on the question of the imposition of the fee shall be
19 held at the same time as a regularly scheduled election in the parish of East Baton
20 Rouge.

21 (c) The fee shall expire eight years from its initial levy but may be renewed
22 as provided in Subparagraph (3)(a) of this Subsection. If the fee is renewed, the term
23 of the imposition of the fee shall be as provided in the proposition authorizing such
24 renewal, not to exceed eight years.

25 (4) The fee shall be collected at the same time and in the same manner as ad
26 valorem taxes are collected by the parish.

27 (5) Any parcel fee which is unpaid shall be added to the tax rolls of the
28 parish and shall be enforced with the same authority and subject to the same
29 penalties and procedures as unpaid ad valorem taxes.

1 (6) The parish of East Baton Rouge shall remit to the district all amounts
2 collected not more than sixty days after collection; however, the parish may retain
3 one percent of the amount collected as a collection fee.

4 G. Budget. (1) The board of commissioners shall adopt an annual budget
5 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et
6 seq. The budget and all amendments shall be subject to the approval of the East
7 Baton Rouge Metropolitan Council.

8 (2) The district shall be subject to audit by the legislative auditor pursuant
9 to R.S. 24:513.

10 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section
11 that the additional law enforcement personnel and services provided by the district
12 shall be supplemental to and not in lieu of personnel and services provided in the
13 district by the city of Baton Rouge and parish of East Baton Rouge.

14 (2) If the district ceases to exist, any funds of the district shall be transmitted
15 to the governing authority of the city of Baton Rouge and parish of East Baton
16 Rouge and shall be used for law enforcement purposes in the area included within
17 the district.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barrow

HB No. 480

Abstract: Creates the Glen Oaks Crime Prevention and Improvement District in East Baton Rouge Parish for the purposes of providing security for district residents and serving the needs of district residents by funding beautification and improvements for the overall betterment of the district. Creates and provides for the district's board of commissioners. Provides for the imposition and use of a parcel fee.

Proposed law creates the Glen Oaks Crime Prevention and Improvement District in East Baton Rouge Parish for the purposes of providing security for district residents and serving the needs of district residents by funding beautification and improvements for the overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district is governed by a board of commissioners. Requires each board member to be a resident and qualified voter in the district. Provides that the board shall be composed as follows:

- (1) Two members appointed by the state representative for House District No. 29.
- (2) Two members appointed by the state senator for Senate District No. 15.
- (3) One member appointed by the member(s) of the governing authority of the parish of East Baton Rouge who represent the district.

Proposed law provides that members serve staggered four-year terms. Requires board members to serve without compensation and provides that they shall not receive reimbursement for expenses.

Proposed law provides that the district, acting through the board, shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols in the district.
- (5) To purchase items and supplies which the board deems instrumental to achieving the purpose of the district.
- (6) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

Proposed law authorizes the governing authority of East Baton Rouge Parish to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by the board. Further provides that the fee shall be a flat fee per improved parcel not to exceed \$100 per parcel per year for lots zoned for residential use and \$500 per year for lots zoned for commercial use. Requires that the fee be imposed on each improved parcel located within the district.

Proposed law defines a parcel as a lot, a subdivided portion of ground, or an individual tract. Provides that a parcel does not mean a condominium parcel as defined in present law (R.S. 9:1121.103). Provides that with respect to condominiums, the fee collector shall impose the parcel fee on each lot on which condominiums are situated and not on individual condominium units.

Proposed law provides that the fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose. Provides that no other election shall be required except as provided by proposed law.

Proposed law requires the board of commissioners, at least 30 days prior to any election held to approve imposition of a parcel fee, to mail notification of the upcoming election to each registered voter of the district, and the owner of a parcel if the owner is not a registered voter of the district.

Proposed law requires the initial election on the question of the imposition to be held at the same time as a regularly scheduled election in East Baton Rouge Parish. Provides that the fee shall expire eight years from its initial levy. Authorizes renewal of such fee.

Proposed law requires that the fee be collected at the same time and in the same manner as ad valorem taxes are collected. Further requires the parish to collect and remit to the district all amounts collected not more than 60 days after collection. Provides that the parish may retain a 1% collection fee.

Proposed law requires the board of commissioners to adopt an annual budget in accordance with the Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and services provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge and East Baton Rouge Parish. Further provides that if the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of Baton Rouge and parish of East Baton Rouge and shall be used for law enforcement purposes in the area included within the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.13)